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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,201	03/24/2000	David R. Larsen	4760	2945
758	7590	08/15/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/534,201	LARSEN, DAVID R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James A. Kramer	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-10, 13-15, 18-30, 33-34, 37, 45, 49-50 and 53-54 rejected under 35

U.S.C. 102(a) as being anticipated by CheckFree's Recon-Plus for Windows (hereinafter Recon-Plus).

Examiner notes the use of the “The WayBack Machine” at [www.archive.org](http://www.archive.org) for this Office Action. The Internet Archive is a comprehensive library of Internet sites and other cultural artifacts in digital form. The Wayback Machine is a free service allowing people to access and use archived versions of past web pages within the Internet Archive. Visitors to the Wayback Machine can type in a URL, select a date range, and then will be able to search and view the Internet Archive's enormous collection of web sites, dating back to 1996 and comprising over 10 billion web pages. In this case the Examiner found an archived version of [www.checkfree.com](http://www.checkfree.com) from Feb. 29, 2000 with a description of Recon-Plus for Windows.

Recon-Plus teaches an organization-wide reconciliation application which lets a user automatically balance any account – disbursement, depository, general ledger, Federal Reserve, bank accounts, foreign, wire transfer, etc – especially when single transaction must be matched with multiple transactions (Section D; lines 1-7). Recon-Plus further teaches data is imported either from an internal source or an external source (Section D; lines 61-64). Examiner notes that this represents obtaining the first transaction and obtaining the second list of transactions. In

addition, this section represents obtaining transactions from a remote server or from a storage device (as required, in claims 4, 5, 24 and 25) and that each transaction comprises one selected from the group consisting of an investment transaction, a financial transaction and an accounting transaction (as required, in claims 2, 22 and 41 and claims 18, 37 and 53)

After data enters Recon-Plus, the system's dynamic matching engine goes to work. The system automatically matches as many items as possible based on matching criteria entered by the user. Matched data can be present in a variety of ways – for example, showing duplicate match scenarios and identifying potential matches (indicating a match). This matching intelligence simplifies the research process. The multiple pass engine in Recon-Plus automatically matches transactions to achieve the highest possible match rate. Items are first matched on a given set of criteria, then matching rules can be further expanded based upon less restrictive criteria. For example:

- One-to-one matching – Matching criteria are based on pairing single item with another single items
- Aggregate – Items are matched one-to-many or many-to-many.

Recon-Plus allows matching groups to be created even when the data is not perfect. For example:

- Tolerance – A variance can be specified by amount, date or percentage field. The system automatically generates any amount differences if the amount tolerance is selected.
- Proposed – The system or user can make suggested matches and other users can later approve the matches.

(Section D: lines 73-95).

Examiner notes that the “multiple pass engine” of Recon-Plus is the recursive submethod of Applicant’s invention. Specifically, items are first matched based on a set of criteria and then

the criteria is modified and the system attempts to match the items again (Section D; lines 79-82). As such the matching of Recon-Plus is clearly recursive or repeats (As specifically required in claim 13 and claims 10 and 30).

Examiner further notes that the multiple pass engine (recursive submethod) can be used in order to reconcile transactions as one-to-one or aggregate (one-to-many or many-to-many) (section D; lines 84-86). This teaching represents determining whether the value of the first transaction corresponds to a sum of the values of a subset of transactions in the second list (required in claims 3, 19, 23, 38 & 42).

Examiner notes that the language of Recon-Plus, specifically, "Items are first matched on a given set of criteria, then matching rules can be further expanded based upon less restrictive criteria (Section D; lines 81-82)" indicates a layered approach. In other words, the multiple first determines that there isn't a one-to-one match and then expands the rules to check for a one-to-many relationship. This represents determining whether a first value corresponds to a subset of values (one-to-many) responsive to the first value not corresponding to a single value (one-to-one) as required in claims 6, 26 and 43.

In addition Examiner notes that this type of layered matching can be applied to other criteria such as the date. Examiner points to Recon-Plus, Section D; lines 89-91, "A variance can be specified by amount, date or percentage field". This teaches that each transaction has a date. Recon-Plus further teaches that Match groups can be created using any field in the system and that Any data populated on the items can be viewed during the matching session (Section D; lines 95-96). Examiner notes that this represents the ability to match over a specific date or over a range of dates (obtaining a second list comprises obtaining a list of transactions having dates

identical to the date of the first transaction or having dates within a specified time period of the date of the first transaction; required in claims 7, 27 and 44 or 8, 28 and 45).

Examiner notes that claims 9 and 29 require modifying the specified time period and repeating the steps of obtaining the second list, determining whether the value of the first transaction corresponds to a combination of values of a subset of transaction in the second list, and, responsive to the value corresponding to the combination of values, indication a match between the first transaction and the subset of transaction. Once again this represents a layered approach to the reconciliation taught by Recon-Plus (e.g. "items are first matched on a given set of criteria, then matching rules can be further expanded based upon less restrictive criteria (Section D; lines 81-82)").

Once again Examiner reference Recon-Plus's teaching of aggregate criteria for matching and in particular the many-to-many criteria (Section D; line 86). Examiner notes that this represents reconciling a first combination of at least two transactions in a first list with a second combination of at least two transactions in a second list (required in claims 14, 20, 33, 39, 49 and 54).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 16, 17, 31, 32, 35, 36, 46, 47, 48, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over CheckFree's Recon-Plus for Windows (hereinafter Recon-Plus).

Recon-Plus, as discussed above, teaches a one-to-many and a many-to-many multiple pass engine (recursive submethod). However, Recon-Plus fails to detail the exact steps used by the multiple pass engine (recursive submethod). Specifically, from claims 12, 17, 32, 36, 48 and 52 (examiner notes that the same logic applies to the broader claims 11, 16, 31, 35, 46, 47 and 51):

Responsive to none of the values of transactions in the second input parameter equaling the first input parameter, and the second parameter containing more than one transaction, performing the steps of:

- a. Selecting a transaction in the second input parameter;
- b. Subtracting the value of the selected transaction from the first input parameter to obtain a modified first input parameter;
- c. Generating a modified set of transactions including all transaction in the second input parameter except the selected transaction;
- d. Performing the recursive submethod using a first input parameter including the modified first input parameter and a second input parameter including the modified set of transactions;
- e. Responsive to the recursive submethod returning a transaction list, adding the selected transaction to the returned list to generate a modified transaction list, and returning the modified transaction list;
- f. Responsive to the recursive submethod returning an indicator that no match was found, performing the steps of:

Responsive to any transactions remaining in the second input parameter, repeating steps a. through f. and

Responsive to no transaction remaining in the second input parameters, returning an indication that no match was found.

Examiner notes that one of ordinary skill in the art would recognize, based on established scientific principles that the basis for all one-to-many reconciliation methods is rooted in the idea that the sum of the parts is equal to the whole (e.g.  $A+B=C$  or  $C-B=A$ ). As a result, all one-to-many reconciliation methods must by definition use some form of this concept/formula. As such, the Examiner asserts that Recon-Plus need not teach the specific steps used by the multiple pass engine (recursive submethod) in the one-to-many reconciliation process to render Applicant's invention obvious.

The fact that Recon-Plus uses the same concept (i.e. sum of the parts equals the whole) as Applicant's invention means the only possible difference between Applicant's invention and Recon-Plus pertains to the application of mathematics. In addition, Examiner notes that Applicant's invention fails to provide an unexpected result. Therefore, Examiner asserts that one of ordinary skill in the art would recognize, based on established scientific principles, that the Applicant's specific method steps for performing one-to-many reconciliation and the steps used by Recon-Plus are at the very least art recognized equivalents.

Examiner references MPEP 2144.06 and notes that it is *prima facie* obvious to substitute equivalents known for the same purpose and thus Recon-Plus renders Applicant's invention obvious.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Response to Arguments***

Applicant's arguments filed 6/6/05 have been fully considered but they are not persuasive.

Applicant asserts that there is no hint or suggestion of a system or method for reconciling a first transaction in a first list with a combination of at least two transaction in a second list. Examiner respectfully disagrees and asserts that at the very least the teaching of a one to many reconciliation process hints at reconciling a first transaction (one) with a combination of transactions (many).

Applicant asserts that there is no hint or suggestion in the prior art of a recursive submethod. Examiner respectfully disagrees and assets that at the very least a “multi-pass engine” hints at recursion.

Applicant makes several references to the fact that the prior art references for Recon-Plus are merely marketing descriptions with just general terms that do not teach the specifics of

Applicant's claims. Examiner respectfully disagrees and will rely on claim one to support this position.

Claim one includes:

- Obtaining the first transaction
- Obtaining the second list of transactions
- Determining whether the value of the first transaction corresponds to a combination of values of a subset of transactions in the second list
- Responsive to the value corresponding to the combination of values, indicating a match between the first transaction and the subset of transactions.

Examiner notes that there is nothing in this claim which is not anticipated by the teachings of Recon-Plus. Examiner notes that in order to reconcile "one-to-many" as taught by Recon-Plus the system must obtain the first transaction (one) and the second list of transaction (many). There is simply no other way to perform reconciliation without performing these steps.

Further, one-to-many reconciliation as taught by Recon-Plus is "Determining whether the value of the first transaction corresponds to a combination of values of a subset of transactions in the second list." Examiner would go as far as saying that this is the definition of one-to-many reconciliation.

Finally, Recon-Plus simply must indicate a match between the first transaction and the subset of transaction. This is the entire point of the product, to reconcile one-to-many and then to present the results to the user.

Examiner asserts the invention, as claimed is properly rejected as presented in this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer  
Examiner  
Art Unit 3627

*AFischer 8/11/05*  
ANDREW FISCHER  
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jak